



# Journal of the House

State of Indiana

113th General Assembly

Second Regular Session

Twenty-fifth Meeting Day

Thursday Morning

February 26, 2004

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Pastor Jeff Miner, Jesus Metropolitan Community Church, Indianapolis, the guest of Representative Gregory W. Porter.

The Pledge of Allegiance to the Flag was led by Representative Porter.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski ...
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Messer
Buck	Moses
Budak	Murphy
Buell	Neese
Burton	Noe
Cheney	Orentlicher
Cherry	Oxley
Chowning	Pelath
Cochran	Pflum ...
Crawford	Pierce
Crooks	Pond
Day	Porter
Denbo	Reske
Dickinson	Richardson
Dobis	Ripley
Duncan	Robertson
Dvorak	Ruppel
Espich	Saunders
Foley	Scholer
Frenz	V. Smith
Friend	Stevenson
Frizzell	Stilwell
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Van Haaften
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 224: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused.]

## MOTIONS TO DISSENT FROM SENATE AMENDMENTS

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1320 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

HASLER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1005 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

RESKE

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1055 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MAYS

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1171 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

C. BROWN

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1434 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CRAWFORD

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1365 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

COCHRAN

Motion prevailed.

## RESOLUTIONS ON FIRST READING

### House Resolution 36

Representative Bardon introduced House Resolution 36:

A HOUSE RESOLUTION honoring Representative Chet Dobis.  
Whereas, It is the tenth anniversary of an incident involving

*Representative Chet Dobis' car and four new House Democratic interns;*

*Whereas, The incident involved good intentions gone awry;*

*Whereas, One of the House interns, Jason Bell, was instructed to take Representative Ed Goble's car keys and warm up his car;*

*Whereas, The interns, new to the State House, went to the wrong office to get Representative Goble's car keys;*

*Whereas, Instead of getting the keys from Representative Goble's office, they took the keys from the office of Representative Chet Dobis, who happened to be away from his desk;*

*Whereas, Several inches of snow covered the parking lot, making it difficult to identify parking space numbers;*

*Whereas, Representative Bardon found what he thought to be the correct car by pressing the automatic trunk release on the key ring until one of the trunks popped open;*

*Whereas, The other three interns, Scott Short, Jason Bell, and Sandhya Markland, accompanied Representative Bardon to lunch in Representative Dobis' car;*

*Whereas, While they were gone, Representative Dobis' wife, who was visiting the State House for the day, went to the parking lot to get some things from the car;*

*Whereas, But by this time, the car was already gone;*

*Whereas, The State Police issued an all points bulletin for the car after it was discovered missing;*

*Whereas, When the interns safely returned to the State House parking lot, the State Police cordially greeted them and escorted them to Representative Dobis' office; and*

*Whereas, Representative Dobis wisely sorted out the problem and sent the thankful interns on their way: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives thanks Representative Chet Dobis for using restraint in a delicate situation and for helping Representative Bardon continue down the road of public service.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Chet Dobis and Representative Jeb Bardon.

The resolution was read a first time and adopted by voice vote.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### HOUSE MOTION

Mr. Speaker: I move that Representative Mays be added as cosponsor of Engrossed Senate Bill 4.

STILWELL

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as cosponsor of Engrossed Senate Bill 326.

PIERCE

Motion prevailed.

## PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1282, Roll Call 185, on February 5, 2004. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

BARDON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [Journal Clerk's note: this changes the final vote tally for Roll Call 185 to 61 yeas, 32 nays.]

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 12:15 p.m. with the Speaker in the Chair.

## MOTIONS TO DISSENT FROM SENATE AMENDMENTS

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1098 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WELCH

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1273 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FRY

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1032 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FRENZ

Motion prevailed.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 72

Representative Mahern called down Engrossed Senate Bill 72 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 225: yeas 77, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 296

Representative Welch called down Engrossed Senate Bill 296 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 226: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 36

Representative Mahern called down Engrossed Senate Bill 36 for third reading:

A BILL FOR AN ACT concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 227: yeas 94, nays 3. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 257

Representative Crawford called down Engrossed Senate Bill 257 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 228: yeas 91, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 194

Representative Orentlicher called down Engrossed Senate Bill 194 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 229: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 19

Representative Moses called down Engrossed Senate Bill 19 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Pelath moved that the previous question be called. The Speaker ordered a division of the House on the motion to call the previous question and appointed Representatives Stilwell and Bosma to count the yeas and nays. Yeas 48, nays 49. Motion failed.

After further debate, the question was, Shall the bill pass? Roll Call 230: yeas 72, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 29

Representative C. Brown called down Engrossed Senate Bill 29 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health and education.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 29-4)

Mr. Speaker: I move that Engrossed Senate Bill 29 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 3, line 6, delete "or other measurement of fat composition." and insert "**that includes the measurement of the student's height, weight, and age.**".

Page 3, line 37, delete "This subsection" and insert "**Subsection (e)**".

Page 3, line 40, delete "sold" and insert "**available**".

Page 3, line 42, delete "sold" and insert "**available**".

Page 4, line 2, before "After" begin a new paragraph and insert: "**(e)**".

Page 5, line 12, delete "at least thirty (30) minutes".

Page 5, line 13, delete "of".

(Reference is to ESB 29 as printed February 20, 2004.)

C. BROWN

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 29, begs leave to report that said bill has been amended as directed.

C. BROWN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 231: yeas 45, nays 9. The bill failed for lack of a constitutional majority.

Representative Whetstone rose to a point of order suggesting the absence of a quorum.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. The absentees were called; a quorum was not present.

The Speaker announced that the House would recess for the minority party caucus and that the roll would not be tallied until after the recess.

The House recessed until the fall of the gavel.

#### RECESS

The House reconvened at 2:55 p.m. with the Speaker in the Chair.

The Speaker ordered the roll reopened. The absentees were again called; a quorum was not present. The Speaker announced that the House would continue in recess and that the roll would be tallied upon reconvening.

The House recessed until the fall of the gavel.

#### RECESS

The House reconvened at 4:00 p.m. with the Speaker in the Chair.

The Speaker ordered the roll of the House to be called to determine the presence of a quorum. The absentees were called.

T. Adams	Cochran
Aguilera	Crawford
Alderman }	Crooks
Austin	Day
Avery	Denbo
Ayres }	Dickinson
Bardon	Dobis
Becker }	Duncan }
Behning }	Dvorak
Bischoff }	Espich }
Borrer }	Foley
Bosma }	Frenz
Bottorff	Friend }
C. Brown	Frizzell }
T. Brown	Fry
Buck }	GiaQuinta
Budak }	Goodin
Buell }	Grubb
Burton }	Gutwein }
Cheney	Harris
Cherry }	Hasler
Chowning	Heim }

Herrell  
 Hinkle }  
 Hoffman }  
 Kersey  
 Klinker  
 Koch }  
 Kromkowski ...  
 Kruse }  
 Kuzman  
 LaPlante }  
 L. Lawson  
 Lehe }  
 Leonard }  
 Liggett  
 J. Lutz }  
 Lytle  
 Mahern  
 Mangus }  
 Mays  
 McClain }  
 Messer }  
 Moses

Murphy }  
 Neese }  
 Noe }  
 Orentlicher  
 Oxley  
 Pelath  
 Pflum ...  
 Pierce  
 Pond }  
 Porter  
 Reske  
 Richardson }  
 Ripley }  
 Robertson  
 Ruppel }  
 Saunders }  
 Scholer }  
 V. Smith  
 Stevenson  
 Stilwell  
 Stutzman }  
 Summers

Thomas }  
 Thompson }  
 Torr }  
 Turner }  
 Ulmer }  
 Van Haaften

Welch  
 Whetstone  
 Wolkins }  
 D. Young  
 Yount }  
 Mr. Speaker

Roll Call 232: 53 present; 2 excused; 45 absent. The Speaker announced that a quorum was not present. [*NOTE: ... indicates those who were excused; } indicates those who were absent.*]

The Speaker announced that the House would reconvene on Monday, March 1, 2004 at 1:30 p.m.

Pursuant to House Rule 4, on the motion of Representative Pelath, the House adjourned at 4:05 p.m., this twenty-sixth day of February, 2004, until Monday, March 1, 2004, at 1:30 p.m.

B. PATRICK BAUER  
 Speaker of the House of Representatives

DIANE MASARIU CARTER  
 Principal Clerk of the House of Representatives